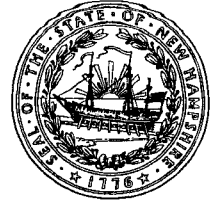




State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2005-047**

November 29, 2005

Patricia Evans
PO Box 1903
Dover, NH 03821

Daniel Estes
PO Box 7011
Gilford, NH 03247

Shaheen & Gordon
Attn: Karyn Forbes, Esq.
140 Washington Street
Dover, NH 03820

**RE: DES Wetlands Bureau Complaint File #2005-2491, Estes/Evans, 120 Durham Road, Dover
Tax Map I-17 / Lot 1**

Dear Ms. Evans, Mr. Estes, & Ms. Forbes:

On October 6, 2005, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on the City of Dover Tax Map I-17 as Lot 1 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A, the New Hampshire Wetlands Law, and NH Code of Administrative Rules Wt 100-800.

It has been determined that filling of approximately 500 sq. ft. of freshwater wetlands took place on the property without a permit from the DES Wetlands Bureau.

In response, you are requested to take the following actions:

1. **Within 30 days** of receipt of this Letter of Deficiency, retain a qualified wetland consultant to generate a plan which depicts existing conditions showing the topography of the property, and quantifies by field survey the current extent of disturbance in jurisdictional wetlands, and a restoration plan, as described below.

- a. A detailed description of the proposed means of erosion control (silt fence, etc) and stabilization of the restoration area;
- b. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
- c. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
- d. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.
- e. A provision to delineate the wetlands within the restoration site after 5 full growing seasons and document the delineation with data forms and depict the delineation on a site plan.

2. Retain a qualified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.

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3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Department of Environmental Services
Wetlands Bureau – East Region
Attn: David Price, Compliance Investigator
50 International Drive
Suite 200
Portsmouth, NH 03801

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact David Price at (603) 559-1514 or by e-mail at dprice@des.state.nh.us.

Sincerely,

 **COPY**

Dori Wiggin
East Region Supervisor
DES Wetlands Bureau

DAW/dap

CERTIFIED MAIL 7002 2410 0001 6279 1239 Estes
 7002 2410 0001 6279 1253 Evans
 7002 2410 0001 6279 1260 Forbes

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit
Tracey Boisvert, DES Wetlands Compliance Supervisor
Dover Conservation Commission
Alan Dews, City of Dover
USACOE
Carex EcoSciences, LLC
Linda Watters, Coldwell Banker Residential Mortgage